

Proceedings of the
Physicians Medical Society
of New Orleans

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trial and expulsion

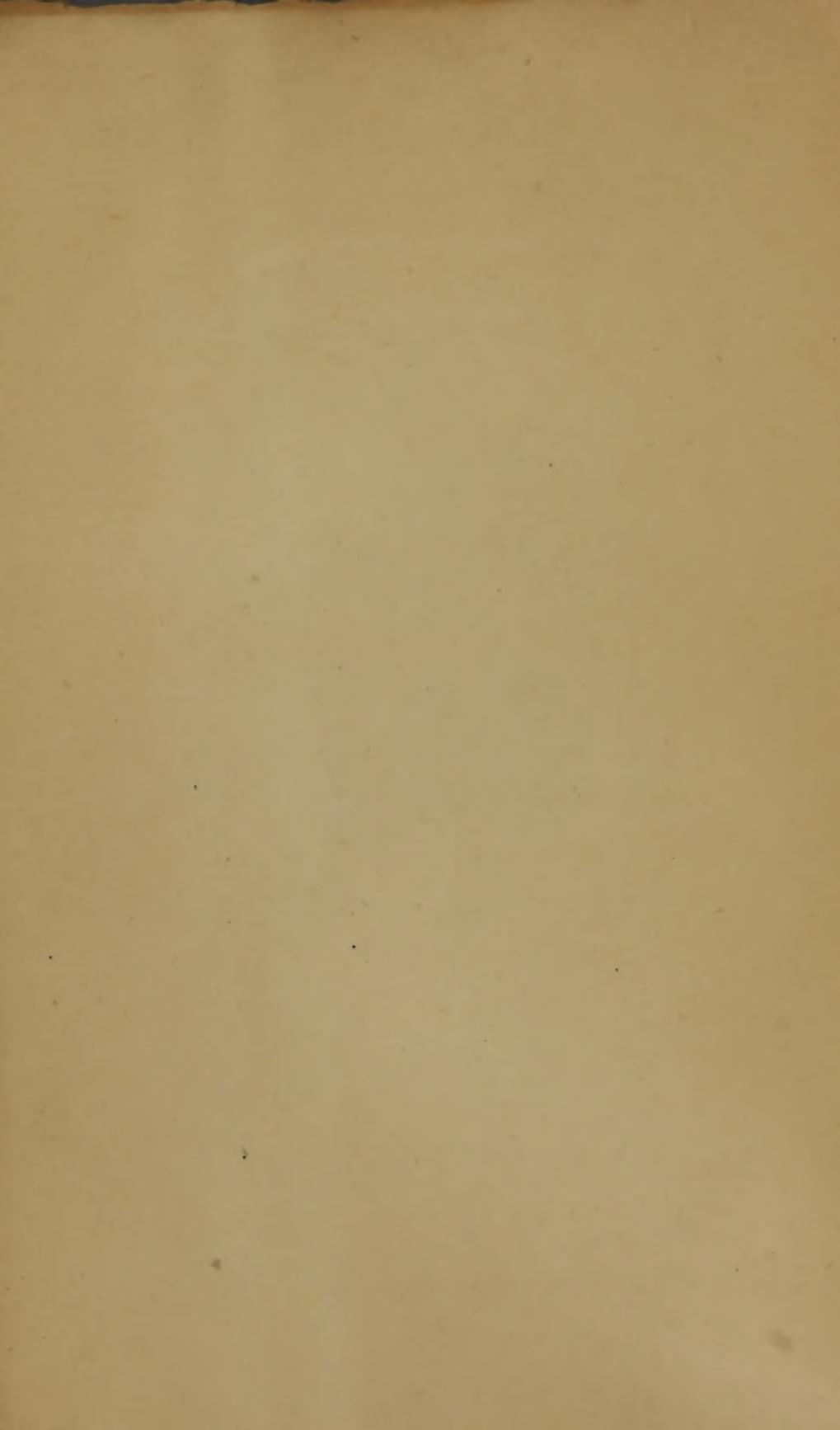
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Charles A. Lugenbeel

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PROCEEDINGS
OF THE
**PHYSICO MEDICAL SOCIETY
OF NEW-ORLEANS,**

TRIAL AND EXPULSION

CHARLES A. LUZENBERG.

(WITH COMMENTS ON THE SAME.)

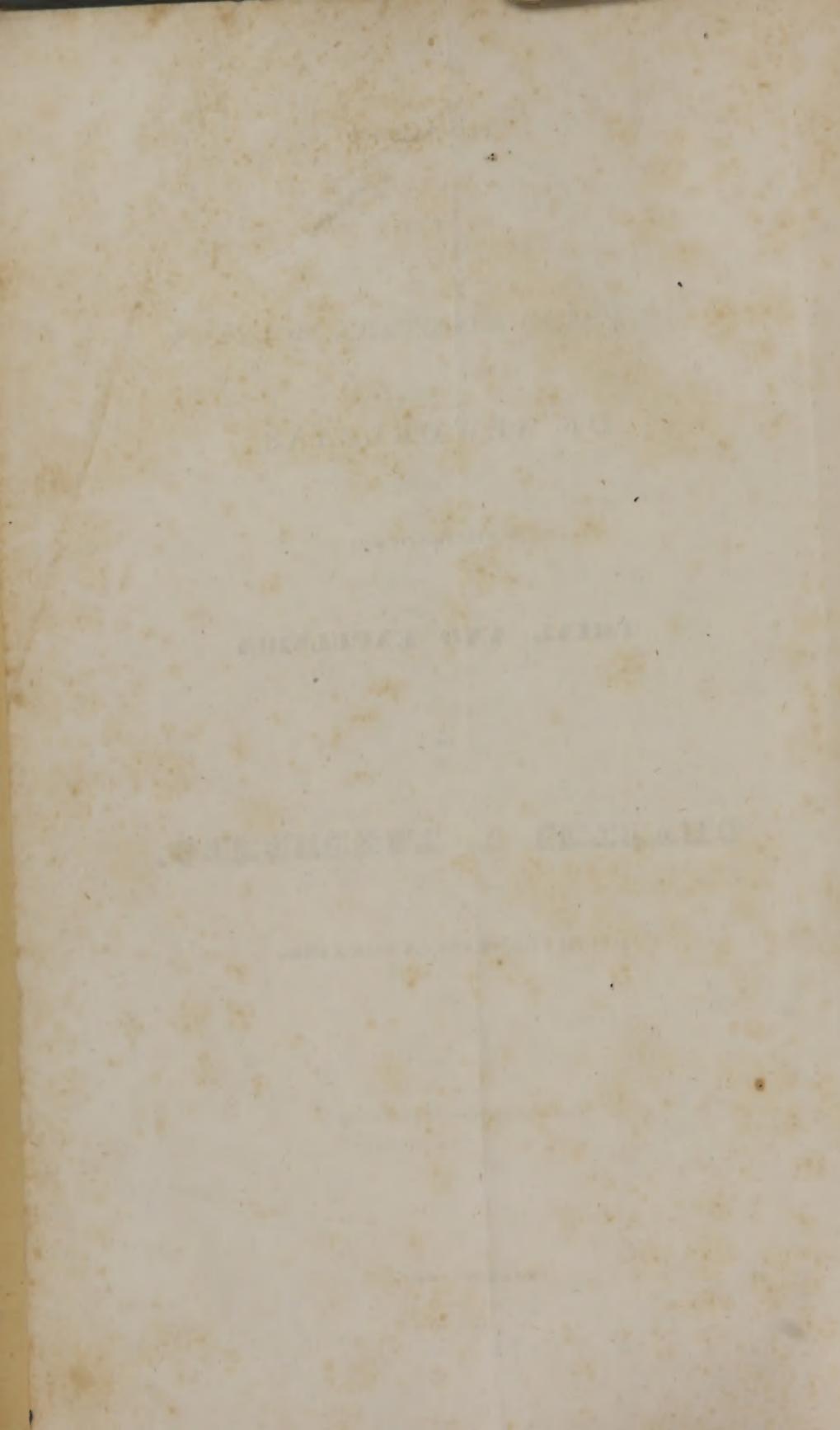
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New-Orleans.

1838.



PROCEEDINGS
OF THE
PHYSICO MEDICAL SOCIETY
OF
NEW-ORLEANS.

On the 9th June, the following Preamble and Resolutions were adopted by the Physico Medical Society of New-Orleans.

Whereas, after a patient and dispassionate investigation of the charges preferred against Dr. Charles A. Luzenberg, and of the testimony adduced by him in his defence; it is the solemn and deliberate opinion of the members of the Physico Medical Society, that he stands fully convicted of conduct and practices at once immoral, ungentlemanly and empirical. Therefore be it resolved, that said Dr. Charles A. Luzenberg, a graduate of Jefferson Medical College of Philadelphia, be expelled from this society; and that his expulsion be published in all the medical journals of the Union, and communicated to all the medical societies of the same.

By order of the Society,

H. DAVIDSON, M. D. *President.*

A true copy—

J. W. PICTON, M. D. *Recording Secretary.*

Attest—

C. F. SNOWDEN, *Corresponding Secretary.*

On the 15th June inst. Dr. Luzenberg, with a view to the counteract effect of the above sentence; to bring the Physico Medical Society into general odium; and to enlist the sympathy of the public in his behalf as a wronged and persecuted man, published in the American of this city his *Card or appeal to the public.* That appeal is indeed a most extraordinary production. It is stamped throughout with malice, falsehood, low cunning, hypocrisy and calumny. It is every where lavish of personal abuse: and its invectives, revilings and execrations are poured out in the most scurrilous and indecent terms against gentlemen of the strictest integrity and honor. In some instances it invents, in others it suppresses facts; now it grossly mistakes, and now artfully perverts. It resorts to every means of misleading public opinion and public feeling; but it exerts itself chiefly in cunning efforts to make up false issues; to direct attention from the charges and evidence on which the expulsion is based, to matters of personal strife and quarrel, in no way connected with those charges and the proofs which sustain them.

To turn the public mind to the examination of the real questions involved in the sentence of expulsion; to make known fully the charges against Dr. Luzenberg and the evidence in relation to them; to demonstrate the judgment pronounced in the case by the Physico Medical Society to be just and equitable; to expose the true nature of Dr. Luzenberg's appeal as we have above described it; to bring to light the facts omitted and suppressed in that appeal; to correct the numerous mistakements and perversions of truth to be found in the same paper; to vindicate the conduct of the members of the Society who have been maliciously assailed for the conscientious discharge of their duty; and to exhibit in its true colors the character of C. A. Luzenberg M. D. who has too long abused the kindness of an honorable, humane and sensible community: this is the task which a sense of duty to ourselves and the public now impels us to perform.

On the 17th April, 1838, the following account of an operation said to have been performed by C. A. Luzenberg, appeared in the editorial column of the True American.

Sight given to the Born Blind.

In all the great schools of medicine throughout the world, there has seldom been witnessed a prouder triumph for human art than was achieved in our city on Saturday last by Dr. Luzenberg, in the successful removal of congenital cataract. That the cataract has been successfully operated, upon before, all are aware; but it has always been where civilization has aided the operator by inculcating a reliance on his skill; and when the mind is so disposed, the surgeon's path is smoothed of many of its obstacles. But in the recent triumph of Dr. Luzenberg, every sort of difficulty and impediment lay in his way. His patient was a savage of the wilderness, with no particle of faith in the operator, nor consciousness of privation to nerve her to endure the operation. The circumstances are these.

Among the Seminole prisoners is a female named Mary, about thirty years of age, and born blind. Her life had been passed in the wilds of Florida and among its wilder natives; and ignorance, and a belief in its immobility, have ever made her resigned to her affliction. When arrived here, it was stated to her that her blindness could be removed; that the "great medicine" of the white man could give her sight. The proposition was referred to her relatives and the chiefs of her tribe. Superstition naturally entered into their councils, and the result of their deliberations was this oracular decree: "what the great spirit has denied, the pale face cannot give; what the Manito has ordained, it would be bad in its children to wish to change." Frequent importunity, however, induced a better state of feeling, and the patient at length consenting, the operation was performed at the barracks, on Saturday, the 14th inst., by Dr. Luzenberg, assisted by Dr. Labatut, in the presence of several physicians, and some of the chiefs of the Seminoles. Many singular difficulties presented themselves; firstly, from the impossibility of prompt communication between the patient and the surgeon: secondly, because from habit the pupils of both eyes were thrown in the interal canthus: and thirdly, because mental agitation caused the eyeballs to rush from side to side as if under the operation of galvanism. But skill and perseverance can overcome all impediments, and the poor savage of the woods prepared to receive from the white man the inestimable blessing of sight. The eyes, which in their blind state were additionally afflicted with obliquity, will henceforth assume their natural position.

The spell of beauty, the sway of wealth, the charm of oratory, and the resources of art, are as motes in the air, compared with the power of science. We speak not of that kind of science which by abstruse calculations gives us the dimensions of a far off star, or tells us when eclipses come, although undoubtedly it is great, it is wonderful; it fills the imagination, but it touches not the heart. But the science of surgery, which can only arrive at maturity in the human mind almost made perfect: where the skill of man approaches nearest the attributes of God; fills the intellect with wonder, and the heart with joy; for its aim, its purpose is to minister to the wants of man, to alleviate human suffering. The physical requisites alone of the good surgeon are "the heart of a lion, the eye of an eagle, and the hand of a lady;" but what wealth must not that mind possess whose resources can thus give sight to the "born blind."

During the first operation, Cloud, the Seminole chief, watched it over Dr. Luzemberg's shoulder almost as intently as the surgeon himself; and when in her agony and dread the poor woman refused to submit again, the chief assured her he had observed the pale face closely, and was satisfied he could give her sight: that their own great "medecin," their prophet, Felix-Haya, could do nothing for her; but if she would submit a few moments longer, the medecin of the pale face would enable her to gaze upon her children and their father, and to look out upon the beauty of the country where they were going to dwell; that she could then mingle in their dances, and see how their braves could defend her whigwam! Bound by habit to obey her chief, and with some ray of hope to support her, the patient submitted to the second operation, which was performed with matchless skill, and well requited success. Under all the circumstances of the case, this may well be considered one of the proudest achievements of surgery; and we cannot avoid envying the Doctor the gratification he must feel when he reflects upon the result of his benevolence and skill. Mary has a child, nine years old, also born blind, who will be operated upon by Dr. Luzenberg in the course of the week. May success again crown his noble efforts.

This piece owing to its very singular and romantic details attracted very general attention, and as will appear in the sequel, did not escape the vigilant observation of some of the physicians in this city. On the 19th May, 1838, it was read to the Society by Dr. Palmer.

After reading it, Dr. P. said that he and other medical gentlemen had carefully examined the case it referred to, and had found that the statements in the American were nearly all false; that the woman had never been afflicted with blindness from congenital cataract; that on the contrary she had seen from her birth up to the time of the operation, and that she had even seen so well as to sew garments for herself and her children; to observe birds in the air, &c.; that the operation had not only proved successful, as had been asserted, but had utterly failed, the woman having been deprived altogether of vision in the left eye which she had previously enjoyed, and having had the sight of the right eye seriously impaired. Dr. P. further said that he had found no difficulty in conversing with the woman who spoke English clearly enough for all purposes, and who informed him that she had at one period of her life resided in Tallahassee. He concluded by making some remarks against publications of surgical cases in newspapers: after which he offered the following preamble and resolutions.

"Whereas, to establish and to maintain the respectability of the medical profession in New-Orleans, and to vindicate its conventional rights; and to protect the public against imposition, are among the chief objects for which the Physico Medical Society has been revived.

Be it therefore resolved, that a committee of three be appointed to report on the case of Mary, the Seminole woman, described (in the True American of April 17th, 1838,) in an anonymous article under the caption of "Sight given to Born Blind," and the said committee be instructed to render a written report on the same, and on the influence of the profession of such publications in general."

A discussion then took place, in which Dr. Snowden confirmed the statement of facts made by Dr. Palmer. During the discussion a doubt was expressed as to Dr. Luzenberg's membership, and consequently as to his responsibility to the Society : but this doubt was cleared away by the President who said he had been handed a letter of Dr. Luzenberg as a member of the Society, with a request to present it to the meeting then assembled. The question was then put on Dr. Palmer's preamble and resolutions, and carried in the affirmative. Doctors Palmer, Snowden and Campbell, were appointed a committee to report on the preamble and resolutions.

By referring to this letter printed below, and marked A, it will be seen that Dr. Luzenberg does not pretend to have been ignorant of the fact that he was a Member of the Society, although he subsequently set up that pretence in his card, and that he admits impliedly, that he had known of previous meetings of the Society, although he had only received an official summons to attend the meeting of the 19th May, the date of his letter. The question was then put on the Preamble and Resolutions of Dr. Palmer, and carried in the affirmative; and Drs. Palmer, Snowden and Campbell were appointed a Committee to report upon the aforesaid Preamble and Resolutions. The Committee withdrew to frame their report, and the Society took a recess. A short time after, the Committee returned with their report. The Society was called to order; Dr. Palmer read the report to the Society, and the question being put upon the adoption of the same, it was determined affirmatively.

Report of the Committee.

The undersigned, appointed by the Physico Medical Society to report on the case of Mary, the Seminole woman, described in an article which was printed in the *True American*, at New-Orleans, on the 17th day of April, 1838, and which, on the 26th day of the same month did appear in the *National Intelligencer* at Washington, D. C., in the full and conscientious discharge of the duty assigned to them, respectfully report: First, that said Mary has been visited by the undersigned at the United States Military Barracks, near New-Orleans, where, among other Seminole prisoners they identified her to be the person designated in the article above referred to, and therein said to have been "born blind," and that she speaks the English language with facility, having conversed with the undersigned, to whom she stated that during her childhood she had lived with a white family at Tallahassee. Second, that the disease, for the removal of which an operation had been attempted, was a simple and incomplete cataract of both eyes, and that this said Mary was not born blind, nor was she ever blind anterior to the operation, having stated clearly and definitively that up to that period she could distinguish objects, and see to cut and make her own and the garments of her children; a dress nearly completed, which she said was the work of her own hands, has been examined by the undersigned, who are fully convinced that her sight had been comparatively good up to the time of the operation; and that "on the 3d of May," the case of the said Mary was visited by a number of other Physicians of this City, who agreed fully in opinion with the undersigned, namely, that the operation had proved an entire failure; the left eye being irrecoverably lost, the pupil of which, nearly closed, exhibits through a small aperture the cataract undestroyed, and the adhesions between the iris and the anterior capsula of the crystalline lens, together with the remaining inflammation in the internal eye, leave no promise of the benefit from any future attempt at an operation; and that the vision of the right eye had been manifestly impaired by the operation.

Your Committee, in the further discharge of their duty, and in justice to the dignity of the Medical Profession, respectfully and conjointly represent, that inasmuch as the Medical Journals, and not the Newspapers, are the proper media of publication for all cases appertaining to the profession, the former being accessible to the medical philosopher, but to every pretender the latter; and this distinction, by public consent, being established, and inasmuch as Newspaper details of cases are detrimental to our science, and are calculated to rob it of public consideration, your Committee regret to have seen the respectable name of a regular Physician so often and improperly used by over-zealous or misguided friends. That to publish an operation so trivial, and so frequently performed, as the couching of common cataract, and under any circumstances to style it "*proud achievement of surgery*," at this advanced period of our science, underrates not only the standard of professional attainment among the Physicians of New-Orleans, but the intelligence even of its inhabitants. Whether Dr. Luzenberg did write, dictate, or has been in any manner accessory to the publication of the many Newspaper cases in which his name has from time to time appeared, your Committee do not assume the right to decide. But inasmuch as it was

an imperative duty, which he owed to himself and to the profession of which he is a regular member, to discountenance the abuse of his name, and thereby undeceive the public; any future declaration of his ignorance of their source, or that such pieces have been published without his sanction, cannot, in the opinion of your Committee, exculpate him from the charge of unprofessional deportment.

(Signed)

EUGENE PALMER,
G. W. CAMPBELL,
C. F. SNOWDEN,

Committee.

Dr. Hunt then called for the reading of Dr. Luzenberg's letter of resignation. The letter having been read, Dr. Hunt offered the following resolutions, which were adopted by the Society.

Resolved, That the report be considered as containing charges and accusations against the moral and professional conduct of Charles A. Luzenberg.

That the letter of resignation of Dr. Luzenberg, tendered this evening, be not accepted, but laid on the table subject to the call of the Society.

The resolutions were supported on the ground, that the report contained charges affecting the professional and moral character of Dr. Luzenberg, and that it was due therefore to Dr. Luzenberg, and to the Society, that it should be at once brought to the view of Dr. Luzenberg, so that he might have a full opportunity of answering to the same, and receive, after a thorough investigation of all the facts of the case, an acquittal or condemnation from the Society; that the contemplated hearing could only be given by laying the letter of resignation on the table, and so allowing Dr. Luzenberg to appear before the Society, as a member, to vindicate his character. Dr. D. C. Ker concurred in the remarks made by Dr. Hunt. He said that some members had inquired whether the report contained charges or not? he thought that in the absence of all direct accusations, the fact of Dr. Luzenberg permitting the article published in the True American to be promulgated without immediate contradiction on his part, he (Dr. L.) being at the same time aware that the statements in that publication were not true, was in itself, a serious charge of moral and professional misconduct; and in order that he might have an opportunity of excul-

pating himself from the charges contained in the report, he (Dr. K.) would propose the following resolution, in addition to the resolutions offered by Dr. Hunt :

Resolved, That a copy of the report of the Committee, as well as of the proceedings relating thereto, be transmitted to Dr. Luzenberg, in conformity with Article 11 of the By-Laws.—See appendix.

The resolutions were unanimously adopted.

Pursuant to adjournment the Society met on Saturday the 2d June. The resolutions of the last meeting, in relation to Dr. Luzenberg, had been complied with. The President announced that he had received from Dr. Luzenberg, a communication with three accompanying documents, which the Secretary then proceeded to read, and which was as follows :

NEW-ORLEANS, June 2d, 1838.

To the President and Members of the Physico Medical Society.

The report signed by G. W. Campbell, &c., accompanying your proceedings of the 19th May last, was received on the 22d of the same month.

The malicious intention of that report to injure my professional and moral character, requires not at this time a detailed refutation of all the falsehoods it contains.

In obedience to the respect I feel towards some of the members of the Physico Medical Society, I present to you through one of your members, (Dr. Osborn,) the testimony necessary to establish for the authors of that report, the character which no doubt has long since been merited by them.

I beg the documents may be read in my justification. I fully concur with Dr. Simons in his denunciation of the man or men who, without the consent of Dr. Simons, or mine, surreptitiously introduced themselves to a patient under our charge.

I state in addition, that the report is composed of a tissue of the most infamous falsehoods, unexampled in its atrocity, and unequalled in the history of the most debased.

C. A. LUZENBERG, M. D.

N. B. Drs. Labatut, Beugnot, De Valetti, Easton, Lindoe, Wiedeman, and Simons, were the only physicians present during the operation.

NEW-ORLEANS, May 30, 1838.

[Translation.]

We, the undersigned, Physicians of the Medical Faculty of Paris, certify : that we assisted Dr. Luzenberg in the performance of an operation on an Indian squaw. The patient was submitted to our examination before proceeding to the removal of two *complete congenital cataracts*, with which she was afflicted. The presence of complete cataracts was unanimously and positively recognized by us, of a milky or soft consistency, producing abso-

late blindness, and requiring the performance of an operation as the only means of cure. We witnessed every step of the operation; and notwithstanding the extreme mobility of the eyes of the patient, which in our opinion seem to offer almost insurmountable difficulties to the immediate execution of the operation, it was accomplished with ability, and without any accident.

(Signed) BEUGNOT, M. D.
C. DE VALETTI, M. D.
J. LABATUT, M. D.

NEW-ORLEANS, May 30, 1838.

We, the undersigned, Physicians, practising in the city of New-Orleans, visited the Seminole female operated upon by Dr. Luzenberg, of this city, on or about the 15th of April last.

On examination of the patient, we recognized the presence of *complete congenital cataract* in both eyes.

We also witnessed the performance of the operation, for the relief of the blindness produced by the opaque condition of the lens in both eyes; and unhesitatingly declare, that the operation alluded to and performed by Dr. Luzenberg was in every respect successful.

We have seen the patient since the operation, and noticed that by the process of absorption, the right eye was nearly free from any obstacle to vision. The left was labouring under inflammation, yet absorption of the broken lens was evidently going on.

We consider that vision in the right eye was enjoyed by the patient to as great an extent as was possible to be afforded, without the aid of cataract glasses.

(Signed) ROBERT F. LINDOE, M. D.
R. B. EASTON, M. D.
EDMUND WIEDEMAN, M. D.

NEW BARRACKS,
Near New-Orleans, May 20th, 1838. }

Dear Doctor: I feel bound in justice to furnish you with the particulars regarding the Seminole female you operated upon some weeks since, at the New Barracks, below the city of New-Orleans.

The operation for congenital cataract was performed on Mary, a Seminole woman, about thirty years of age, on or about the 15th April last, in my presence, and with the full consent of the patient, by Dr. Luzenberg, of this city.

The method (the cataracts being considered soft) adopted for the relief of the malady, was couching with Dupuytren's needle. Many difficulties presented themselves during the operation; both eyes were successively operated upon: notwithstanding these difficulties, the success of the operation in both eyes was perfect. Subsequent to the couching, inflammation to a high degree developed itself in both eyes. The usual remedies were had recourse to for the relief of the inflammation, but from the utter impossibility of confining the patient to diet, &c., opacity of the cornea of the left eye resulted; the right eye, however, was three days since entirely free from all inflammation, and with the exception of an exceedingly small portion of the capsule of the lens floating in the posterior chamber, in as satisfactory a condition as it is

possible to place or wish the organ to present, after the operation for cataract. *She enjoys vision without the aid of cataract glasses to as great degree as it is possible. I have frequently seen her selecting small objects, such as grains of corn, &c., for the purpose of testing the success of the operation.*

I will also add, that the committee or persons purporting to have been sent by the Physico Medical Society of the city, for the purpose of reporting on the condition of the patient above alluded to, made their examination of the patient without my knowledge or consent.

I consider their conduct in this matter as *ungenerous, uncalled for, and unprofessional.* I was the physician in whose charge the patient was placed, and I should have been consulted, or apprised of a desire on the part of any *medical gentlemen* to visit my patient. This was not done, but clandestinely effected by the committee. I never authorized any person or persons to permit physicians or others to examine my patients, unless in my presence.

I am yours, respectfully,

JAMES SIMONS, M. D.,

Directing Physician Seminole Emigration.

To Dr. C. A. Luzenberg, New-Orleans,

After the reading of the above, it was moved by Dr. Mackie :

That the communication of Dr. Luzenberg, be laid on the table ; and that the President be directed to call a meeting on Saturday next for its consideration ; and that Dr. Luzenberg be duly apprized by the Recording Secretary of the same. The motion was adopted.

From the foregoing, it will be seen that two opportunities with considerable intervals of time between them had so far been afforded Dr. Luzenberg for his exculpation. Before entering upon the examination of the evidence in relation to the charges against Dr. Luzenberg, let us pursue still further the history of the proceedings of the Society in the case.

Pursuant to adjournment, the Society met on the 9th June, 1838. Dr. Hunt read the following preamble and resolutions, as containing proper rules and regulations for the conduct of the trial of Dr. C. A. Luzenberg, and after some appropriate remarks, moved for their adoption.

Whereas, Drs. E. Palmer, G. W. Campbell, and C. F. Snowden, the committee appointed by this Society to report on the case of Mary, the Seminole woman, designated in an article printed in the True American, at New-Orleans, on the 17th April, 1838, and inserted in the National Intelligencer, at Washington, D. C., on the 26th of the same month: made a writ-

ten report on the 19th day of May 1838, containing charges against the moral and professional conduct of C. A. Luzenberg, M. D., a member of this Society:

And whereas, in pursuance of an order of this Society, the Recording Secretary duly advised the said Dr. Luzenberg of the said written report and charges by letter; enclosing him a copy of the said report and charges, and informing him that, on this evening, the Society would proceed to investigate the same, and that he should be prepared to exculpate himself from the said charges contained in the said report:

And whereas, it is due to truth and justice, that Dr. Luzenberg should have a full and fair hearing on the charges reported against him:

Be it, therefore, resolved, that Drs. E. Palmer, G. W. Campbell, and C. F. Snowden, the committee who made the report containing the charges against Dr. Luzenberg, be appointed to conduct the investigation on said charges against him:

Resolved, that Dr. C. A. Luzenberg, shall be admitted to appear, and be heard by himself or counsel, or by both:

That all the motions, or disputed questions, &c., occurring in the course of the investigation, shall be addressed to the President of the Society; and if he shall require it, shall be committed to writing, and read by the President; and all decisions shall be made by the Society by ayes and noes, and without debate, which shall be entered on the records:

That witnesses shall be sworn in the following form, to wit: "You, do swear or affirm (as the case may be) that the evidence you shall give on the charges now pending against Dr. Luzenberg, shall be the truth, the whole truth, and nothing but the truth. So help you God." Which oath shall be administered by the Secretary:

That witnesses shall be examined by the party producing them, and then cross examined in the usual form:

That if a member of the Society be called as a witness, he shall be sworn, and give his testimony, standing in his place:

That if a member of the Society wishes a question to be put to a witness it shall be reduced to writing, and put by the President:

That testimony shall first be produced by the committee who made the report, in support of the charges against Dr. Luzenberg; and that then Dr. Luzenberg shall produce testimony in his defense:

That after the testimony on both sides is closed, argument shall be heard, first on the part of the managers, next in behalf of Dr. Luzenberg, and then in reply on the part of the managers:

That after the argument is concluded, Dr. Luzenberg shall retire, and the Society will proceed, with closed doors, to deliberate upon, and discuss, if they think proper, the charges against Dr. Luzenberg; but the members who made the report containing the charges, and conducted the investigation, shall not be allowed to participate in this deliberation, and discussion; nor shall they be allowed to vote upon the charges:

That the deliberation and discussion being over, the report containing the charges against Dr. Luzenberg, shall be read by the President: who shall then take the opinion of the members of the Society respectively, in the form following:

"Dr. —— how say you? Is Dr. C. A. Luzenberg guilty or not guilty of moral and professional misconduct, as charged in the report of the committee?"

To which each member shall answer in the form following :
"On my honor, aye, or no" (as his opinion may be.)

The motion was withdrawn at the request of Dr. McFarlane, who said that he had not attended the last meeting, and was anxious to be informed what had been done at it. Dr. Mackie called for the reading of the proceedings of the last meeting. The proceedings were read. Dr. McFarlane then addressed the Society in opposition to Dr. Hunt's preamble and resolutions, and proposed the following substitute.

Whereas, Charles A. Luzenberg, a practising Physician in the City of New-Orleans, and a Member of the Physico Medical Society, having been charged with moral and professional misconduct, and the said Charles A. Luzenberg having been fairly apprised by the Recording Secretary of the said Physico Medical Society of the above mentioned charges, in accordance with the 11th article 1st section of the Constitution of said Society, which requires that a member so charged shall have a fair hearing before said Society; and whereas the said C. A. Luzenberg, instead of responding to the aforesaid notification, in the manner usually adopted amongst gentlemen of any respectable profession, under similar circumstances: and whereas the said C. A. Luzenberg, instead of appearing before the said Society and exculpating himself from the charges aforesaid, did transmit to this Society an offensive and ungentlemanly communication, together with a resignation of his membership. *Therefore be it resolved,* That the Physico Medical Society, from the immoral, unprofessional and ungentlemanly conduct of Charles A. Luzenberg, and after a solemn and deliberate investigation being unable hereafter to consider him a suitable associate, hereby accept his resignation, and consider him unworthy of further notice or attention.—Rejected.

Dr. Palmer here asked leave, which was granted him, to have a certificate, confirmatory of the report of the committee on the case of the Indian woman, read. The certificate was read and is as follows :

Certificate.

We the undersigned, practitioners of Medicine and Surgery in the City of New-Orleans, certify in good faith, that on or about the 5th day of May, 1838, we called on Dr. Lee of the United States Army, then *post Surgeon* at the New Barracks, when and where (in strict accordance with professional etiquette) we obtained permission of him to visit the Seminole woman

Mary, said to have been operated on by Dr. Luzenberg. We next proceeded to her apartments accompanied by Dr. Warren, where we identified her to be the person designated in the True American of April 17th, under the caption of "*Sight given to the born blind.*" and after an attentive examination of her eyes, we unhesitatingly declare, that the vision in her left eye is irrecoverably lost, and that of her right eye manifestly impaired. We heard her converse in the English language, and remember to have heard her say distinctly, that she had been able to see to cut and make the garments of her family up to the period of the operation. We saw a specimen of sewing which she said was the work of her own hand; and consequently, she was not born blind, as stated in the True American, or ever entirely blind.

We have also seen the report of the committee appointed by the *Physico Medical Society*, and attest fully to the truth of the statements contained therein.

Signed—

C. F. SNOWDEN, M. D.
 J. W. THOMPSON, M. D.
 J. M. PICTON, M. D.
 EUGENE PALMER, M. D.
 E. B. HARRIS, M. D.
 J. MARTIN, M. D.
 Ed. FORTIN, M. D.
 A. BYRENHEIDT, M. D.

The discussion of Dr. Hunt's preamble was then continued. Dr. Ker said he was willing, notwithstanding Dr. Luzenberg's conduct had been *indecorous* and *contumacious*, to give him yet another opportunity of being heard in his exculpation. A warm and protracted debate followed, during which several members made disclosures of facts, disreputable to Dr. Luzenberg. A motion was then made for an adjournment and carried; but before the members dispersed, it was stated that Dr. Osborne had a communication from Dr. Luzenberg to present to the Society. The Society was thereupon called to order by the President, and the communication of Dr. Luzenberg addressed to Dr. Osborne, but intended for the Society, was read. The communication declared that Dr. Luzenberg had given all the explanation he had to make to the Society, demanded that his letter and resignation be returned to him, and denied the right of the Society to entertain any question touching his moral and professional conduct. Dr. Hunt withdrew his preamble and resolutions. Dr. Harrison then said, in substance, that as the evidence in relation to the statements in the report in the True American, headed "*Sight to the born blind,*" and to the

report of the committee in contradiction and disproof of those statements was before the Society, and as the Society therefore was prepared to pass upon the charges against Dr. Luzenberg, growing out of those contradictory statements, he moved that the charges against Dr. Luzenberg, be considered as embraced in the three following questions, which he desired to be submitted successively and separately.

First question.—Is the report of the case published in the *True American* false?

Second.—Did Dr. C. A. Luzenberg directly or indirectly authorise or instigate that report?

Third.—Is he (Dr. L.) guilty of unprofessional conduct, in failing to contradict that report in a formal manner?

Let us examine these questions. First—"is the report of the case published in the *True American* false?" The report in the *True American* says, "that the woman was afflicted with a congenital cataract and total blindness from birth." In support of this statement, we find in Dr. Luzenberg's "Card," the following certificates, to wit, the certificate of Drs. Beugnot, C. D. Valetti, J. Labatut; the certificate of Drs. Lindoe, Easton and Wiedeman, and Dr. Simons' certificate of the 20th May; all these certificates are inserted above. The first is the certificate of honorable men, who it will be seen have fallen into error; an error which, in all probability, has arisen from a misplaced confidence in Dr. Luzenberg. The two other certificates are signed by gentlemen unknown to the Society and this community.

Now let us see what is the evidence shewing that this case was not one of total blindness from birth. The certificate of C. F. Snowden, M. D., J. W. Thompson, M. D., J. M. W. Picton, M. D., E. Palmer, M. D., E. B. Harris, M. D., J. Martin, M. D., E. Fortin, M. D., A. Byrenheidt, M. D., to be found above, declares that they heard her say distinctly "that she had been able to see to cut and make the garments of her family up to the period of the operation," and that there was exhibited to them, a specimen of sewing of Mary's own hand work, and that consequently she was not blind as stated in the *True American*. The certificate further attests to the truth of the statement in the report of the

committee in the case of Mary. We have further the evidence of Dr. Simmons, who told Dr. Stone, that previous to the operation, Mary could perceive birds in the air, and the evidence of Dr. Crawford, who says that he saw Mary previous to the operation, carefully inspecting and examining a four bit bill. From the above evidence on the point before us, it is clear that the case was not one of total blindness from congenital cataract, and that therefore, the statement on this subject in the report of the True American is false.

The report states that one of the singular difficulties of the operation arose from the impossibility of prompt communication with the patient; and it gives it throughout to be understood, that the woman could not speak English. Now not a single witness says that she could not speak English. On the contrary, all the witnesses on this point say, that she spoke English well enough for all practical purposes, and some of them say that she frequently interpreted for her Indian brethren. This will be distinctly seen by reference to the certificates forming a part of this report. The report then of the case in the True American certainly is false, in the respect just indicated.

The report in the True American gives a speech said to have been made by Cloud, a Seminole Chief. It will be seen from the certificate of Dr. Stone of Dr. Simmons' account of the statement made by Mary to him, (Dr. Simmons) that the speech is the offspring of imagination. Cloud never said any thing of the "great medicine," nor did he call the whites "the pale faces," an expression which Mary said was never applied to them. The report is therefore false, as to the speech put in Cloud's mouth.

The report in the American further says, that some of the Chiefs of the Seminoles were present at the operation. No witness supports this statement, and Dr. Crawford says he saw only Cloud present. Thus it would seem that in this particular the report is false.

The report says, that Mary's life had been passed in the wilds of Florida. But Mary told Drs. Palmer, Snowden, Simmons and others, that she had lived two years with a family in Tallahassee, and that she had spoken English from her

infancy. The report then is false, as to Mary's life having been passed in the wilds of Florida.

The report says, that the cataract was successfully removed. Drs. Lindoe, Easton and Wiedeman, declare that the operation was successful in every respect. Dr. Simmons testifies too that it was successful in one eye. In opposition to the above statements of Messrs Lindoe and Company, we have the statement of the following gentlemen, to wit: Drs. Thompson, Snowden, Picton, Palmer, Harris, Martin, Fortin, Byrenheidt and Lee, which says that the vision of the left eye has been irrecoverably lost, and that of the right materially injured. The report then is false, in regard to the claim of a successful operation.

From the above review of facts, it appears that all the material statements in the report of the American are false, and that the contrary statements of the Committee of the Society are true. And yet Dr. Luzenberg has the effrontery to say that the statements of the committee are "a tissue of falsehoods."

The next question is, did Dr. C. A. Luzenberg directly or indirectly authorise or instigate the report?

Dr. Luzenberg in his letter does not expressly deny that he wrote the report in the American; but we understand him virtually to do so, from the letters enclosed in that report. But though Dr. Luzenberg may have denied the authorship of that paper, has he not sanctioned, or to use the word in the question we are considering, *authorised* its publication. He styles the report of the committee "a tissue of falsehoods." Now as the statements in the report of the committee are chiefly contradictions of the statements in the report of the True American, is it not fair to conclude that Dr. Luzenberg's denunciation of the former report, is an endorsement of the latter?

But further, Dr. Luzenberg appears by letter before the Society "in justification of himself," and to that end encloses certificates to prove the statements in the True American correct. Here then is conclusive evidence of his identifying himself with, or giving his sanction or authority to the report in the True American. But there is still more conclu-

sive, more positive evidence on the subject. Before we adduce that testimony, we will take a brief notice of the letters of Messrs Gibson and Fisher, a notice which will add another to the thousand illustrations of the truth, that falsehood walks in crooked paths and by-ways, and knavery oft betrays itself by the very pains it takes to screen the objects of its care. Messrs Fisher and Gibson both say they met Dr. Luzenberg the day after the operation. Gibson says, that at the meeting, in reply to the question put by him to Dr. Luzenberg, whether the operation on Mary had terminated successfully, Dr. Luzenberg gave him "quite scanty information." But Fisher says, in his letter to Dr. Luzenberg, that he (Fisher) wrote the report "from his own unbiased feelings, and beyond a brief *invitation to witness* the operation, and a simple announcement of its *termination*, without a word in conversation or communication, directly or indirectly passing between us." Now there is evidently a want of dove-tailing in this Editorial job work. Why should Dr. Luzenberg give his regular puffer, for such Gibson has notoriously been for years, "scanty information?" and why should Fisher, present when that information said to be scanty was given, hear nothing but that the operation had terminated successfully? an assertion which we have seen was false. The whole story has been badly made up. Messrs Gibson and Fisher seem to be very much perplexed to account for the technicalities in the report; but if they had only read it over before writing their letters, they would have seen that it is not stuffed with technicalities, and that it is nothing more than an attempt to mislead the public.

Gibson says he was very much interested in the case, because he had been among the Indians last summer at Pass Christian. But yet so much did the love of sport exceed in him the interest of humanity, that he preferred witnessing a horse race to the operation. And Fisher says, when he indicted the report, "he felt enthusiasm supplying the place of knowledge," which being translated into a more homely phrase, means that he indulged his imagination at the expense of his character.

Now would it not have been better for Messrs Gibson and Fisher, instead of all the fictions they have dealt in, to have told the truth at once; to have said that the piece was written by Fisher, upon the information furnished him by Dr. Luzenberg, and was then submitted to Dr. Luzenberg, who approved it and authorised its publication. The following certificate shews that the report was written by Fisher and submitted to Luzenberg previous to its publication, and approved by him.

Freeman's Certificate.

The subscriber has been for some time an inmate in the store of Mr. Shaw. He would be sorry to do any thing which could be construed into a violation of domestic confidence, and although a young man whose future interests may be compromised in this community by making the following statements, yet when called upon for information on the following subject, he cannot hesitate to declare that he has frequently heard it distinctly stated by Dr. Shaw, that Mr. Fisher, the sub-editor of the True American, had declared to him, that Mr. Fisher had exhibited to Dr. Luzenberg a piece entitled "*Sight given to the born blind*" previous to its publication, and that the statements therein had met with the entire approbation of Dr. Luzenberg.

(Signed)

W. FREEMAN.

N. B. The same statement has been confirmed on a visit to Dr. Shaw's in the last forty-eight hours.

Other testimony in the possession of the committee corroborates this certificate.

From the above facts and arguments, we think it is clear that Dr. Luzenberg directly sanctioned and authorised the report of the case in the True American; and such was the unanimous decision of the Society. Dr. Osborn, who has since declared himself opposed to the expulsion of Dr. Luzenberg, being present and acquiescing in, or not dissenting from that decision.

The third question is, is Dr. Luzenberg guilty of unprofessional conduct in failing to contradict that report in a formal manner?

This question, as understood and voted on by the Society, meant: supposing Dr. Luzenberg to have known of the publication of the false report in the True American, and

supposing him not to have been the author of that publication, was it not his duty, as a professional man, to have publicly exposed its miststatements, and prevented its empirical circulation ? This is a question of very easy solution. The first of all moral obligations is to speak and to maintain the truth. Upon its observance the honor and happiness of life chiefly depend. Dispense with it, and there is no longer any safety in society. All confidence between man and man immediately ceases ; and distrust, suspicions, dissensions and strifes take the place of candor, mutual reliance, fair dealing and peace. Correlative with the obligation to speak and to maintain the truth, is the obligation to expose and defeat falsehood. He who silently suffers a statement, known by him to be false, to be proclaimed and circulated among men as true, is in the eye of morality as criminal as the author and publisher of that statement himself. Not to denounce is to sanction the untruth ; it is, to borrow an illustration from the bar, to aid and abet in passing as true a counterfeit paper, knowing the same to be counterfeit. Hence, Dr. Luzenberg's silence as to the miststatements in the report of the True American, was immoral and criminal : and as that immorality related to a report of a surgical operation, said to have been performed by him, it was also a professional delinquency. Self love and self conceit may so blind a man to his own demerits, as to make him not only not rebuke, but even receive with satisfaction the unfounded compliments of the dependent or sycophantic : but no self love, no self conceit, can be an excuse for sanctioning a gross and palpable mistatement of the facts of an operation, and of the result of that operation. The Physico Medical Society felt disgusted both at the falsehood of the report, and at the empirical and immoral conduct of Dr. Luzenberg, in suffering those falsehoods to be circulated as true in the unusual and unprofessional form of a meagre newspaper article. It was thought by them in relation to the latter view of the matter, that a daily newspaper was not the most fit and proper vehicle of medical information, that room could not be had in it for those details, which are necessary to render a report satisfactory to an intelligent mind ; that the terms

in which a medical man is obliged to convey his ideas, are for the most part technical and unintelligible to the ordinary reader ; that ample space is afforded medical writers in the scientific Magazines and Reviews of the country ; that the meagre, extravagant and unscientific reports of cases published in newspapers, only serve to deceive the ignorant and credulous, and to encourage fraud and imposture ; and that for all these reasons, the practice of publishing brief and unscientific reports of cases in newspapers, a practice pursued only by quacks and nostrum mongers, is to be discountenanced and reprobated by the society. With respect to Dr. Luzenberg's connexion with such a practice, it was stated, that an empirical communication intended to advance Dr. Luzenberg's popularity, had been published for two or three months in the Picayune, a daily paper of this city, and that Dr. Luzenberg had paid for its publication : and it was further mentioned as a notorious fact, of which the files of the True American are evidence, that numerous reports of surgical cases in which Dr. Luzenberg had been the operator, and a corresponding number of editorial puffs from John Gibson, had appeared from time to time in the True American, with the knowledge, sanction and authority of Dr. Luzenberg.

The third question was then put to the vote, and carried with but one dissenting voice ; that of Dr. Osborne who yet had voted for the adoption of the two first questions. The opinions of the members of the Society having been thus ascertained, in respect to Dr. Luzenberg's conduct, Dr. Snowden offered the preamble and resolutions to be found in the first page ; which were adopted.

On the 12th June, 1838, an extra meeting of the Society, was held. The meeting was unusually large. All the members who were present at the last meeting appeared in their places ; and other members, who had not attended that meeting, were also present. The minutes of the last meeting were read. Dr. Jones moved that they be adopted, with the exception of the last article expelling Dr. Luzenberg. The motion was rejected *nem. dis.* It was then moved, that the proceedings of the meeting of the 9th June, be adopted.

The motion was carried. The following resolution was then offered.

Resolved, That the vote of the expulsion of the said C. A. Luzenberg. M. D., passed at the last meeting, (9th June, 1838) be confirmed: and that a notice of the expulsion be published in three of the gazettes of this city.

The resolution was put to the vote, and adopted unanimously.

On a calm consideration of the above proceedings, the public will perceive that the conduct of the Society towards Dr. Luzenberg, has been throughout characterised by forbearance, charity, and justice, and that the sentence of expulsion was demanded by every consideration of honor and public duty.

But what has been the conduct of Dr. Luzenberg in the matter of his trial and expulsion? The evidence in this paper, and in Dr. Luzenberg's card, clearly shows that it has been contumacious and insolent towards the Society, and vulgar, insulting and bullying towards some of its members.

Dr. Luzenberg charges the committee who made the report against the publication in the American, with having "surreptitiously" visited the woman Mary. The falsehood of the charge will appear from the certificate read by Dr. Palmer on the 9th June, and inserted above, in which it is stated by *eight* most respectable Physicians, that they obtained permission of Dr. Lee, of the United States Army, to visit the squaw Mary. But suppose for the sake of argument, that the committee did visit her without asking leave of any physician; would such a violation of mere etiquette on their part prove that the report in the American is not false; that Dr. Luzenberg did not give his sanction to that report, and that in maintaining falsehoods, and giving currency to empirical communications, Dr. Luzenberg has not been guilty of immoral and unprofessional conduct? Then the charge of Dr. Luzenberg against the committee is not only false, but it has no bearing on the questions touching Dr. Luzenberg's immoral and unprofessional conduct.

Dr. Luzenberg insinuates in his "Card," that he has been the personal benefactor of the members of the Society, and that they had proved ungrateful to him. The insinuation is

a most impudent and unblushing falsehood, and betrays a meanness and audacity of spirit, to be found only in those who never enjoying, in early life, the advantages of education, and of intercourse with the polite and honorable, acquire by fraud and imposture, notoriety without fame, and a fortune without those qualities which make fortune enviable; and who suppose, that because they possess the means of being liberal and charitable, the world will give them credit for those virtues, whenever they may think proper to lay claim to them.

Dr. Luzenberg knowing that the evidence adduced against him was conclusive, on the score of immoral and unprofessional conduct, has attempted by bullying efforts to regain his former standing: but the attempt has signally failed. A sense of guilt may make a man desperate, but desperation will not make a guilty man innocent. A question of evidence is not to be settled by a personal combat; and when an individuals' conduct is undergoing a fair and proper investigation before a society, a sense of true chivalry and honor suggests a resort to proofs, and not to swords and pistols. A Bobadil calculation for despatching, under the circumstances just alluded to, all the members of a society, can only excite the contempt and ridicule of the brave and sensible.

Having thus vindicated as was proposed, the members assailed by Dr. Luzenberg, we will now proceed to establish still further, the justice of the sentence against Dr. Luzenberg, by exhibiting, very briefly, his character in its true colors.

Dr. Luzenberg is a man of an ordinary capacity, very little improved by education and study. As a professional man, his pretensions are without bounds, while his merits lie within very narrow limits. He has a little acuteness of apprehension, but no solidity of judgment. In surgical operations he frequently exhibits some dexterity in the use of an instrument, but he seldom fails to expose the want of that knowledge which makes dexterity skill, and elevates a mere manipulator into a scientific surgeon. Having been a long time employed in hospitals as a surgeon, he has a boldness of manner which he passes on others, and perhaps even on himself,

for that genuine confidence which springs from accurate learning and enlightened experience. Called in the infancy of the Medical College of Louisiana to a professorship in that institution, he was subsequently obliged to retire from a sense of the contempt felt towards him by his confrères, and by the medical class, on account of his mendacity, ignorance, presumption, and ill breeding. He is abrupt in speech; uncouth in manners, irritable and petulant in temper, and arrogant and overbearing in his demeanor. In the course of the debates in relation to his conduct, as before remarked, several disclosures of facts were made disreputable to his moral and professional character. As these disclosures had a strong influence on the minds of the members of the Society, and as their publication is necessary to show the true character of Dr. Luzenberg, we will proceed to lay a few of them before the public. The first is one which stamps him as an unprincipled man, most shamefully abusing his public office as a surgeon in the charity hospital ; as a barbarous wretch, insulting, the living by mutilating and mangling the dead; as a heartless coward, using the bodies under his care for the exclusive purposes of science, as targets to accustom him to the appearance of an adversary, and to enable him to acquire skill as a duellist.

Certificate of John J. Ker.

Having been applied to by a committee of the Physico Medical Society for information in relation to the conduct of A. C. Luzenberg, during the existence of a misunderstanding between him and Dr. J. S. McFarlane, I deem it my duty to state that pending the hostile meeting, which afterwards occurred between said Luzenberg and Dr. McFarlane, he, the said LUZENBERG, WAS IN THE HABIT OF SUSPENDING THE BODIES OF PERSONS WHO HAD DIED UNDER HIS CARE WHILST HOUSE SURGEON OF THE CHARITY HOSPITAL, AND SHOOTING AT THEM AS MARKS WITH PISTOLS, IN ORDER TO IMPROVE HIS SKILL AS A MARKSMAN in his expected contest with Dr. McFarlane ; I myself having witnessed the fact.

(Signed)

JOHN J. KER.

Comment on such conduct is scarcely necessary. The poor who die in a public hospital, are to be as decently disposed of, as the rich who expire in the abodes of private

magnificence. The relations of the former feel quite as strongly as those of the latter. All civilised and all savage nations respect the dead. It is the universal feeling of mankind. That respect, it is true, has its limits, but those limits are prescribed only by philanthropy and science. To expose the dead ; to give them up to wild beasts and birds of prey ; such conduct would shock the most insensible of human beings. And is it not equally barbarous ; nay is it not still more barbarous deliberately to mutilate and mangle them *to give heart to cowardice and skill to revenge* ?

The next matter to which we invite attention, is one of the gravest and most general concern. In 1832, Dr. Luzenberg obtained the following passport, and travelled under the protection thereof through different countries of Europe.

UNITED STATES OF AMERICA.

No. 2688.

TO ALL TO WHOM THESE PRESENTS SHALL COME.

I, the undersigned, Secretary of State of the United States of America, hereby request all whom it may concern, to permit safely and freely to pass Charles A. Luzenberg, M. D., accompanied by his family, citizens of the United States, and in case of need to give them all lawful aid and protection.

DESCRIPTION.

Age, 27 years; stature, 5 feet 7 1-4 inches high; forehead high, nose small, eyes grey, mouth ordinary, chin round, hair light, complexion fair, face round.

Signature of the bearer.

Given under my hand and the impression
of the seal of the Department of State,
at the city of Washington, the 13th June,
1832, in the 56th year of the Independence
of the United States.

EDWARD LIVINGSTON.

UNITED STATES OF AMERICA. }
Department of State. }

TO ALL TO WHOM THESE PRESENTS SHALL COME, GREETING :

I certify, that the annexed passport of Charles
A. Luzenberg, M. D., is a true copy from
the record, now in this Department.

SEAL.

In testimony whereof, I, John Forsyth, secretary of state
of the United States, have hereunto subscribed my name, and caused the seal
of the Department of State, to be affixed.

Done at the City of Washington, this twenty-sixth day of April, A. D., 1837, and of the Independence of the United States of America, the sixty-first.

(Signed)

JOHN FORSYTH.

*Clerk's Office, United States Circuit Court,
9th Circuit, in and for the East. District
of Louisiana.*

I hereby certify the foregoing passport and certificate, to be true copies of the original, on file in this office.

New-Orleans, June, 14, 1838.

(Signed)

T. W. COLLINS.

Depy. Clerk.

By reference to the records of the District Court of the United States for the Eastern District of Louisiana, it will be seen that Dr. Luzenberg, did not take the oath of allegiance to these United States, and was not admitted as a citizen of the same, until the 8th March, 1838; and by further reference to the Records of the said court, it will be also seen that Dr. Luzenberg, instituted a suit in that court "as a subject of the Emperor of Austria, and accordingly an alien to the government of the United States of America," as late as the 26th January, 1838. Thus it appears that Dr. C. A. Luzenberg "an alien and a subject of the Emperor of Austria," obtained and used an American passport. Now the right of citizenship is the most sacred and important of all our rights. It identifies a man with his country: it binds him to his fellow citizens, and his fellow citizens to him: it makes him a part and parcel of the nation. It guarantees to him the secure enjoyment of all those rights, for the maintenance of which societies exist. It exacts of him obedience to the laws and constitution of his country, and it entitles him in turn to the protection of the government of that country. That protection accompanies him every where; into the dominions of tyrants as well as into the territories of milder governments. An unprovoked injury to the person of a citizen when in a foreign state, sanctioned or unredressed by the government of that state, would be an affront to the honor of his nation, and a cause of war. An indignity offered by the most powerful monarch in the world, to an American citizen, under circumstances similar to those we have just

spoken of, would cause the swords of the chivalric sons of the Republic to leap from their scabbards for revenge. Such and of so great consequence, is the protection due by every government to its citizen or subject: and being such any attempt fraudulently to claim it, or any dishonest abuse of it, must excite the just indignation of every citizen who appreciates his rights, and feels a proper concern for the honor and character of his country. These remarks are suggested by, and have a perfect application to the conduct of Dr. Luzenberg. A foreigner, but one who has lived in this country at least twenty years, and who, as appears from a late publication has taken an active part in elections, and who could not have been ignorant of our naturalization laws; he imposed on our Secretary of State, or which is the same thing, knowingly suffered him to remain in error in regard to his (Dr. Luzenberg's) national character, and obtained and used an American passport.

Dr. Luzenberg attempts, through his Counsel G. B. Duncan, Esq., to vindicate himself from the fraud and dishonor of having used an American Passport, by saying that Mr. Livingston, the Secretary of State, on learning from Dr. Luzenberg that he was about to visit Europe, "himself sent to the proper office for his passports, without any further inquiries." Now it is to be borne in mind, that this is the evidence of the accused in his own favor; and that it refers to a person who is dead and cannot testify. But let us suppose it true: is it any justification of Dr. Luzenberg's conduct? Mr. Livingston, who had known Dr. Luzenberg as a resident for a great many years, and as a Surgeon in the Charity Hospital, may have presumed Dr. Luzenberg to have been a Citizen, and may have therefore signed a passport in error. But Dr. Luzenberg could not but have known from his parents, relations and friends, that he was a native of Austria; and allowing him a more than ordinary share of ignorance, could not but have been aware that an alien, the subject of the Emperor, was not an American Citizen. He then took advantage of Mr. Livingston's erroneous impressions, and by concealing the fact of his being an alien, obtained a false certificate. In subsequently using that

certificate, he has been guilty of a fraud upon the Nation, and has insulted every American Citizen. Had he been involved in any difficulty abroad, and had he in consequence availed himself of the aid of any of our Consuls or Ministers, he would have subjected our Government to the humiliation of retracing its steps, and making atonement for having suffered itself to be the dupe of an unprincipled *foreigner*. In the whole of this matter, we can see nothing to excuse Dr. Luzenberg ; nothing to soften the sentence of infamy which will be pronounced against him by an indignant and outraged nation.

We have now sufficiently exposed the character of Dr. Luzenberg, and demonstrated the justice of the sentence pronounced against him. The task we undertook has been fully and faithfully performed.

That Dr. Luzenberg's conduct has been **IMMORAL**, no man can doubt, who understands his duty to his fellow man.

With a view to increase his fame and business, he has sanctioned and circulated false reports of surgical operations performed by him.

Detected in that infamous practice, he has endeavoured to screen himself from public indignation by promulgating miststatements, and by suppressing and omitting to bring to the view of the public, important and undeniable facts.

He has trampled under foot his duty as a sworn Public Officer. He has insulted and injured the feelings of the living, by barbarously mangling the bodies of the dead.

He has slandered the Members of the Medical Profession in this City, and he has been guilty of a fraud upon the rights of every Citizen of this Country.

That Dr. Luzenberg's conduct has been **UNPROFESSIONAL** is a corollory from the proofs of immorality, set forth in the last paragraph.

He has sanctioned the writing and circulation of false reports of surgical cases. He has empirically used the Newspapers as the medium of his unscientific vulgar publications.

He has for years past had himself puffed for surgical skill, by an Editor who acknowledges having, all the time, received pecuniary obligations from him.

He has been habitually discourteous towards the Members of the Medical Profession.

He has been contumacious and insolent towards the Physico Medical Society; and has attempted to bully some of its Members for the conscientious discharge of their duties towards him.

Convicted of **IMMORAL** and **UNPROFESSIONAL** conduct, we, the Members of the Physico Medical Society, have felt it due to ourselves to expel him from our body, and in so doing, to put a stigma upon him, which will serve as a warning to all who, like him, disregard the obligations of morality, and labor to bring Science into contempt.

The right of expulsion thus exercised, is contemplated by the 11th Article of the By-Laws, which provides the mode in which a member shall be brought to trial, and is inherent in the Society from its very nature. Every association is bound to preserve its character in purity and honor, and of course is required to do whatever is necessary for the discharge of that duty. The Lawyer who is convicted of immoral and unprofessional conduct, is stricken from the roll of Attorneys, and is no longer permitted to be the associate of his former confrères ; and it is equally just that the Physician who, by immoral and unprofessional conduct, has forfeited all title to the respect of his brethren, should be driven from their society with the brand of infamy upon him. May the example made in the present instance, advance the cause of morals and of science, and tend to the suppression of empiricism and fraud!

APPENDIX.

A.

To DR. J. Q. OSBORN

New-Orleans, June 9th, 1838.

My Dear Sir,

I hand you herewith two letters from Messrs Gibson and Fisher, which I beg you will read to the Society. Permit again to reiterate, that I do not acknowledge *any right* on the part of the Society, to call for explanations or vindications on my part. I am not, nor never was a Member of the Physico Medical Society as it has been recognized. In courtesy, I first answered their invitation to be present at their deliberations. The regard which I feel for some of the members, induced me to present to them the testimonials necessary to refute the charges brought against my professional character, since that time; and I now demand the letter of resignation addressed to the Society by me, as in justice it cannot be considered their property.

Your friend and servant,

LUZENBERG.

B.

ARTICLE XI.

Of Penalties.

SECTION 1. Any member charged with moral or professional misconduct, shall be liable to expulsion, after having had a fair trial before the Society.

SECTION 2. A majority of three-fourths of the members present, shall be necessary to expel a member.

SECTION 3. All accusations shall be put in writing, and directed to the President of the Society, who shall direct the Recording Secretary to advise the accused by letter, that at the second meeting following, he may be ready to exculpate the charges alleged against him.

C.

Statement made by Mary.

Who says "that she has ever been able to see full well to make her own clothing and observe small objects such as Birds, &c., passing before her.

"That she has lived in Tallahassee and Augustine with and in the employment of the white people, and has spoken their language mostly ever since three years of age.

"That previous to the operation, she could see with both eyes, but since, the left eye is totally blind, and the right is no better than before.

"That Cloud was present at the time of the operation, but nothing was said of the Medicine of the 'Pale-face,' and when the white people are mentioned by them, the term—*pale-face*—is never used. (That she received five dollars from the operator, to allow him to operate.)"

I hereby certify, that the above is the statement which Dr. Simmons (one of the Physicians to the Indians at the United States Barracks,) made of the case of Mary the Indian woman, operated upon for cataract by Dr. Luzenberg.

W. STONE, M. D.

